

Elizabeth D. Friedman, Assistant Municipal Attorney
Municipal Attorney's Office
P.O. Box 196650
Anchorage, Alaska 99519-6650
e-mail: friedmaned@muni.org
(907) 343-4545
(907) 343-4550 facsimile

Attorney for Defendants
Municipality of Anchorage
Andrew Cottle
Gregory Witte
Kenneth McCoy

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ALASKA

PATRICK L. SHORTY)

Plaintiff,)

vs.)

Case No. 3:05-cv-00237-TMB

MUNICIPALITY OF ANCHORAGE, OFFICER)
ANDREW COTTLE, INDIVIDUALLY AND IN)
HIS CAPACITY AS AN ANCHORAGE POLICE)
OFFICER, OFFICER WITTE, INDIVIDUALLY)
AND IN HIS CAPACITY AS AN ANCHORAGE)
POLICE OFFICER, KENNETH D. MCCOY,)
INDIVIDUALLY AND IN HIS CAPACITY AS)
AN ANCHORAGE POLICE OFFICER)

Defendants.)

DEFENDANTS' MOTION ON SHORTENED TIME TO ALLOW
FILING OF PHYSICAL EXHIBITS (CD AND TAPE) IN SUPPORT OF
MOTION FOR SUMMARY JUDGMENT

Come now the Defendants, Municipality of Anchorage, Officer Andrew Cottle,
Officer Gregory Witte and Officer Kenneth D. McCoy ("Municipal Defendants"), by and

through counsel, the Anchorage Municipal Attorney, and move this court on shortened time to allow for filing physical exhibits in support of its motion for summary judgment. This Motion is made on Shortened Time because the dispositive motion deadline is December 22, 2006.

The Municipal Defendants respectfully request this court to accept for filing the following physical exhibits to its forthcoming Motion for Summary Judgment: Exhibit 6 (a CD) and Exhibit 8 (a videotape). These exhibits will enable the court to verify the factual representations made concerning these exhibits in the Municipal Defendants' pleadings. **Exhibit 6** is a CD ROM obtained from Alaska State Court of a hearing on Patrick Shorty's Motion for Acquittal. The hearing was held on December 12, 2006, making it difficult and costly to have it transcribed. The findings made by Judge Wolverton directly address whether the police officer defendants utilized reasonable force under the circumstances.

Exhibit 8 is a videotape of the entire time Patrick Shorty was held at the Anchorage Police Department. The transcript of the interview with Patrick Shorty (Exhibit 9) does not include the prelude to the interview where Officer Witte and Detective McCoy are speaking. Judge Wolverton watched, and relied upon, the videotape in making his decision to suppress Patrick Shorty's statements. The videotape speaks for itself with respect to how Detective McCoy conducted the interview (his tone of voice, his mannerisms, etc.). The Municipality has included these exhibits to provide this court as accurate a factual record as possible.

The Municipality respectfully requests this court to allow Exhibits 6 and 8 to be filed with this court.

DATED this 19th day of December, 2006.

JAMES N. REEVES
MUNICIPAL ATTORNEY

/s/ Elizabeth D. Friedman
Elizabeth D. Friedman,
Assistant Municipal Attorney
P.O. Box 196650
Anchorage, Alaska 99519-6650
e-mail: uslit@muni.org
Telephone (907) 343-4545
Facsimile (907) 343-4550
Alaska Bar No. 9306027

The undersigned hereby certifies that on 12/19/06 a true and correct copy of the *Defendants' Motion on Shortened Time to Accept Filing of Physical Exhibits in Support of Motion for Summary Judgment* was served on:

Patrick L. Shorty,
c/o 425 G St. Ste 600,
Anchorage, Alaska 99501

by first class regular mail, if noted above, or by electronic means through the ECF system as indicated on the Notice of Electronic Filing.

s/ Cathi Russell
Cathi Russell, Legal Secretary
Municipal Attorney's Office